

FISCAL NOTE

SB 2127 - HB 2361

March 21, 2004

SUMMARY OF BILL: Provides for the issuance of a criminal warrant rather than a criminal summons if the magistrate makes a finding of probable cause. None of the affiants will be required to be a law enforcement officer. Current law, which became effective January 1, 2004, provides unless a law enforcement officer is an affiant or a co-affiant in the complaint before the magistrate, the magistrate is required to issue a criminal summons rather than a criminal arrest warrant. A warrant for arrest may be issued rather than a criminal summons if the magistrate believes it is necessary to prevent an immediate threat of imminent harm to a victim of domestic violence.

ESTIMATED FISCAL IMPACT:

Increase Local Govt. Expenditures - Exceeds \$500,000*


Estimate assumes:

- Provisions of the bill will substantially increase the issuance of arrest warrants rather than criminal summons;
- An increase in local government expenditures to take arrestees into custody, processing and holding in jail until a determination is made for release from custody.

**Article II, Section 24 of the Tennessee Constitution provides that: no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "James W. White".

James W. White, Executive Director